

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**June 16, 2003**

**2:00 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, June 16, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith----6.**

**ABSENT: Vice-Mayor C. Nelson Harris-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by The Reverend Timothy A. Wright, Associate Pastor, Evangel Foursquare Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.**

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**ACTS OF ACKNOWLEDGMENT-REAL ESTATE VALUATION: Mr. Dowe offered a resolution paying tribute to Willard N. Claytor, Director of Real Estate Valuation for the City of Roanoke, who will retire from his position on August 1, 2003:**

**(#36371-061603) A RESOLUTION paying tribute to Willard Nathan Claytor, Director of Real Estate Valuation for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.**

**(For full text of Resolution, see Resolution Book No. 67, page 375.)**

Mr. Dowe moved the adoption of Resolution No. 36371-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

The Mayor presented a ceremonial copy of the above referenced measure to Mr. Claytor and advised that a reception will be held in his honor on June 30, 2003, at The Jefferson Center.

### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a closed session.

MINUTES: Minutes of the special meeting of Council held on Thursday, May 1, 2003, and the regular meeting held on Monday, May 5, 2003, and recessed until Wednesday, May 7, 2003, were before the body.

Mr. Cutler moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-HOUSING/AUTHORITY: A communication from Beverly T. Fitzpatrick, Jr., tendering his resignation as a Commissioner of the City of Roanoke Redevelopment and Housing Authority, effective May 19, 2003, was before the body.

Mr. Cutler moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

COMMITTEES-YOUTH: A communication from the City Clerk advising of the resignation of F. B. Webster Day as a member of the Youth Services Citizen Board, effective immediately, was before Council.

Mr. Cutler moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

## **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS: NONE.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

**BUDGET-CAPITAL IMPROVEMENTS PROGRAM:** The City Manager and the Director of Finance submitted a joint communication advising that capital projects of all types have been approved by Council for construction over the past years; projects have included construction in major categories for buildings, parks, streets, bridges, sanitary sewers, water projects, storm drains, flood reduction and various technology related projects; funding was established for each project when Council approved the project based on bids for various project costs, as well as extra funding for possible contingencies; and some projects have contingency funds remaining after final expenditures are made because projects are completed within established budgets.

It was further advised that a number of projects have been completed and can be closed; total of funds remaining are \$469,421.00, which may be transferred from completed projects to capital projects still under construction, or to capital improvement reserve accounts for other future construction. ( An attachment to the communication lists completed projects that may be closed.)

The City Manager and the Director of Finance recommended that Council adopt a budget ordinance which will transfer funds from completed capital projects to recommended accounts.

**Mr. Dowe offered the following budget ordinance:**

**(#36372-061603) AN ORDINANCE** to amend and reordain certain sections of the 2002-2003 Water and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 376.)

Mr. Dowe moved the adoption of Ordinance No. 36372-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET:** The City Manager and the Director of Finance submitted a joint communication advising that Internal Service Funds account for certain services provided to departments by other departments of the City; Internal Service Funds recover their costs by charging the receiving departments for services provided; budgeted funds for internal services are allocated in the General Fund in each fiscal year throughout the various departments based on estimated usage; and usage sometimes varies from original estimates.

It was further advised that budget amounts in Internal Service Funds are established based on expected transactions for the year; and based on certain higher than anticipated expenses and changes in billing methodology in the areas of Department of Technology, Fleet and Risk Management; and additional expenses have been incurred and budget adjustments will be needed for the items.

It was stated that during the current fiscal year, a new telephone system was installed in a majority of City offices, and a new billing method was necessary to accommodate the new telephone system; the Department of Technology now pays telephone charges and bills user departments instead of departments being charged directly; to administratively accommodate the change in billing methodology, increases of \$163,800.00 in the Department of Technology's revenue and expense estimates are needed for fiscal year 2003; and no additional funding is necessary for General Fund departments since telephone charges were already properly budgeted throughout user departments.

It was further stated that the Fleet Management Fund bills user departments for vehicle supplies and maintenance and fuel purchases, based on cost; in the current fiscal year, the cost of vehicle parts and inventory resupply exceeded the amounts budgeted by \$175,300.00; in addition, fuel prices increased during the year and were \$138,000.00 higher than anticipated; and as a result, increases of \$313,300.00 in Fleet Management revenue and expense estimates are needed for fiscal year 2003.

It was explained that the City accounts for self-insured liabilities in its Risk Management Internal Service Fund, which fund has incurred costs in excess of the budget during fiscal year 2003, and has billed user funds and departments at amounts exceeding the original revenue estimates to recover such costs; an increase of \$151,716.00 is necessary in various operating accounts to cover claims and repair costs in excess of the budget; an increase of \$162,000.00 is needed to cover the rising costs of insurance policies, which have increased as a result of the events of September 11, 2001; property values have been updated in insurance policies; workers' compensation medical expenses need an increase of \$55,000.00 due to a higher than typical level of medical claims paid; corresponding revenue adjustments will be made; the General Fund portion of the additional amount required to fully fund Internal Service Fund charges will be transferred to various departmental internal service accounts via a separate Council report; and funding will be provided from available salary lapse funds.

The City Manager and the Director of Finance recommended adoption of a budget ordinance to accomplish the above described Internal Service Fund budgetary adjustments.

Mr. Dowe offered the following budget ordinance:

(#36373-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology, Fleet Management and Risk Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 380.)

Mr. Dowe moved the adoption of Ordinance No. 36373-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-CITY CODE-EMERGENCY SERVICES:** The City Manager submitted a communication advising that the Commonwealth of Virginia authorizes any locality providing Enhanced 9-1-1 (E911) services to its citizens to impose a special tax on the consumers of telephone service, in order to support the cost of operations; on

May 12, 2003, Council adopted an ordinance amending Section 32-276 of the City Code to increase the tax to \$2.00 per month per telephone line, effective October 1, 2003; the City of Roanoke is required to notify the registered agent of the service providers required to collect the tax at least 120 days prior to the effective date of the increase, in order for the increase to be effective; and notice requirement is mandated by Section 58.1-3812.A, Code of Virginia, 1950, as amended, to allow time for telephone companies to adjust their systems for the new rate.

It was further advised that the required notification was not sent to the registered agents of the service providers responsible for collecting the tax, in order to provide for the October 1, 2003 effective date; to provide for the required advance notification, the effective date of the tax increase needs to be revised to November 1, 2003; revenue loss associated with a one month delay in the implementation date is approximately \$37,000.00; and while this implementation delay might cause the tax to fall below estimate in fiscal year 2004, the variance is not expected to be significant.

The City Manager recommended that Council repeal an ordinance adopted on May 12, 2003, amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month, effective October 1, 2003; and adopt a measure amending Section 32-276 of the City Code adjusting the Enhanced 9-1-1 tax to \$2.00 per month, effective November 1, 2003.

Mr. Dowe offered the following ordinance:

(#36374-061603) AN ORDINANCE repealing Ordinance No. 36307-051203, adopted on May 12, 2003; and amending and reordaining §32-276, Tax levied; amount, of the Code of the City of Roanoke (1979), as amended, to provide for an increase in the special tax imposed on the consumers of telephone service to offset costs attributable to the enhanced 911 Emergency Telephone System; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 382.)

Mr. Dowe moved the adoption of Ordinance No. 36374-061603. The motion was seconded by Ms. Wyatt.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke against an increase in the proposed tax. He advised that supporting documentation states that, if levied, funds will be used to offset recurring maintenance, repair and system upgrades, costs, and salaries or portions of salaries of dispatchers who are already paid by the

City of Roanoke. He noted that Council recently approved a salary increase for all City employees and for Council Members. He expressed concern over the plight of the poor and disadvantaged citizens of Roanoke and for those persons who live on a fixed income who cannot afford the luxury of a telephone in these difficult economic times.

Ordinance No. 36374-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Bestpitch-----5.

NAYS: Mayor Smith-----1.

(Vice-Mayor Harris was absent.)

**CITY CODE-CITY MARKET:** The City Manager submitted a communication advising that a committee composed of City staff, Downtown Roanoke, Inc. (DRI) staff, and Roanoke Market Vendors reviewed and made recommendations to update and amend Article III, Public Markets, Sections 24-61 through 24-77, Code of the City of Roanoke (1979), as amended; and such changes are needed in order to meet operational challenges facing the market and to provide for more efficient management of the City Market.

It was further advised that all changes in the City Code have been recommended by DRI, through consultation with vendors and voted on by DRI's Board of Directors; modifications include changing the allowable hours of use and authorizing the City Manager to create Rules and Regulations for operation and use of the Market; changes in the rules and regulations include allowing vendors to have one parking space per permitted license space, with the provision that employees may not use the parking space for their personal use; several retail merchants have expressed concern about the potential for vendors who have more than one space to occupy parking spaces that they do not necessarily need; and the handbook provides the City Manager with the discretion to address such issues should they arise, therefore, concerns can be addressed in the handbook as needed.

The City Manager recommended that Council amend Article III, Public Markets, Sections 24-61 - 24-77, Code of the City of Roanoke (1979), as amended.



Mr. Bestpitch offered the following ordinance:

(#36375-061603) AN ORDINANCE amending and reordaining Article III, Public Markets, of Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended, by amending certain sections therein, repealing Section 24-70, Sign required on vehicles used by hucksters or peddlers, and adding Section 24-77, Rules and regulations for use of market spaces, in order to update such Article III; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 384.)

Mr. Bestpitch moved the adoption of Ordinance No. 36375-061603. The motion was seconded by Mr. Fitzpatrick.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of outdoor dining on the City Market; however, he expressed concern that outdoor dining tables and chairs take up most of the sidewalk area and leave little room for pedestrians.

Ordinance No. 36375-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BLUE RIDGE DISTRICT-WATER RESOURCES:** The City Manager submitted a communication advising that the Blue Ridge Soil and Water Conservation District (Blue Ridge District) is an autonomous elected body with the mission of promoting conservation of natural resources, which is accomplished through educational programs and technical assistance to citizens living within the Blue Ridge District, including Henry, Franklin and Roanoke Counties.

It was further advised that soil and water conservation districts were first established in the 1930's to develop programs to prevent soil erosion and control floods; the Commonwealth of Virginia now has 47 districts, the role of which has been expanded to include grant administration and implementation of programs to control non-point source pollution; Virginia's districts receive funding primarily from the Virginia Department of Conservation and Recreation (DCR) and technical support from the Federal Department of Agriculture's, Natural Resources Conservation Service.

It was explained that the City of Roanoke is eligible to join the Blue Ridge District, upon petitioning the State Soil and Water Conservation Board; if accepted, the City would be allotted two representatives on the Blue Ridge District Board of Directors, which are voluntary service positions with four year terms of service to be elected by City voters, generally in the fall election cycle; initially, the Blue Ridge District Board of Directors would appoint the two positions if the City of Roanoke is granted membership between regularly scheduled elections; there is no cost associated with membership; the City would bear certain small election-related expenses in selecting candidates for the Board of Directors every four years; however, the District requests voluntary contributions from its member localities to support programs; most of the localities provide some level of support which is typically less than \$10,000.00 annually; and joining the Blue Ridge District would enable City residents to utilize the District's educational, technical and grant programs.

The City Manager recommended that she be authorized to prepare the necessary documents to petition the State Soil and Water Conservation Board for membership in the Blue Ridge Soil and Water Conservation District; and, if approved, to execute documents necessary for the City of Roanoke to become a member of the District, such documents to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36376-061603) A RESOLUTION authorizing the City Manager to prepare the necessary documents to petition the State Soil and Water Conservation Board for the City to become a member of the Blue Ridge Soil and Water Conservation District; and to take other related actions as necessary.

(For full text of Resolution, see Resolution Book No. 67, page 391.)

Mr. Cutler moved the adoption of Resolution No. 36376-061603. The motion was seconded by Mr. Dowe.

Question was raised that inasmuch as membership to the Board of Directors will be composed of elected positions, is it possible for candidates to be listed on the November, 2003 voting ballot; whereupon, the City Attorney advised that public hearings must be conducted by the State in each of the localities that are member districts, and the Attorney General must seek pre clearance through the Justice Department under the Civil Rights Act, which takes approximately 60 - 90 days, all of which must occur prior to placing the matter on the voting ballot. He stated that the existing Board will make interim appointments until elections occur.

Resolution No. 36376-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch  
and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-HUMAN DEVELOPMENT-HOUSING/AUTHORITY-GRANTS-HOTEL  
ROANOKE CONFERENCE CENTER:** The City Manager submitted a communication advising that CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U. S. Department of Housing and Urban Development (HUD); the City has received these entitlement grant funds for over 20 years and must reapply annually to HUD to receive funding; and on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized filing of three separate funding applications as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming granting the City access to its 2003-2004 CDBG, HOME and ESG entitlement of \$3,043,716.00; in addition, \$369,870.00 unexpended from prior year accounts and \$615,051.00 in anticipated program income is also included in the appropriation for fiscal year 2003-2004 activities; acceptance of funds and appropriation to specific accounts is needed to permit various projects to proceed; and acceptance of the 2003-2004 HOME entitlement requires \$89,923.00 in local match and no outlay of City funds will be needed to meet the requirement.

The City Manager recommended that Council take the following actions:

Adopt a resolution accepting the 2003-2004 CDBG, HOME and ESG entitlement funds as follows, contingent upon receipt of an approval letter from HUD:

|       |                     |                  |
|-------|---------------------|------------------|
| CDBG  | 2003-04 Entitlement | \$2,207,000.00   |
| HOME  | 2003-04 Entitlement | 759,716.00       |
| ESG   | 2003-04 Entitlement | <u>77,000.00</u> |
| TOTAL |                     | \$3,043,716.00   |

**Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds, to be approved as to form by the City Attorney;**

**Appropriate \$3,043,716.00 entitlement and \$615,051.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance;**

**Increase revenue estimates in the following CDBG revenue accounts:**

|                           |                   |                 |
|---------------------------|-------------------|-----------------|
| Home Ownership Assistance | 035-G03-0300-2222 | by \$ 7,744.00  |
| Hotel Roanoke 108         |                   |                 |
| Loan Repay                | 035-G03-0300-2234 | by \$268,202.00 |

**Appropriate the above referenced funds to the following CDBG expenditure accounts:**

|                |                   |              |
|----------------|-------------------|--------------|
| Hotel Roanoke  |                   |              |
| 108 Loan Repay | 035-G03-0330-5135 | \$275,946.00 |

**Increase the revenue estimates in the following HOME revenue accounts:**

|                   |                   |                |
|-------------------|-------------------|----------------|
| HOME - FY 02      | 035-090-5324-5320 | by \$16,612.00 |
| HOME - PI - FY 02 | 035-090-5324-5324 | by \$ 801.00   |
| HOME - PI - FY 03 | 035-090-5325-5325 | by \$41,329.00 |

**Appropriate the above referenced funds to the following HOME expenditure accounts:**

|                 |                   |                |
|-----------------|-------------------|----------------|
| Connect Four SE | 035-090-5324-5386 | by \$17,413.00 |
| Connect Four SE | 035-090-5325-5386 | by \$41,329.00 |

**Transfer \$35,182.00 in CDBG, HOME and ESG accounts from prior years to projects included in the 2003-2004 CDBG, HOME and ESG programs.**

**Mr. Dowe offered the following budget ordinance:**

**(#36377-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 392.)**

**Mr. Dowe moved the adoption of Ordinance No. 36377-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----5.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.) (Council Member Bespitch abstained from voting inasmuch as his spouse is employed by the YMCA of the Roanoke Valley, and the YMCA-Hurt Park will be funded, in the amount of \$32,297.00, through the program.)**

**Mr. Dowe offered the following resolution:**

**(#36378-061603) A RESOLUTION accepting the Fiscal Year 2003-2004 funds for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program (HOME) and the Emergency Shelter Grant (ESG) program and authorizing the City Manager to execute the requisite Grant Agreements with the United States Department of Housing and Urban Development (HUD).**

**(For full text of Resolution, see Resolution Book No. 67, page 397.)**

**Mr. Dowe moved the adoption of Resolution No. 36378-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:**

**AYES:** Council Members Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris was absent.) (Council Member Bespitch abstained from voting inasmuch as his spouse is employed by the YMCA of the Roanoke Valley, and the YMCA-Hurt Park will be funded, in the amount of \$32,297.00, through the program.)

**BUDGET-GRANTS:** The City Manager submitted a communication advising that on March 29, 2002, Council authorized the City Manager to enter into a contract with Randall Funding and Development, Inc. (RFD), to provide grant search and grant writing services; in an effort to support this initiative, on September 16, 2002, Council also authorized appropriation of \$100,000.00 from the Capital Maintenance and Equipment Replacement Program (CMERP) funds to be set aside solely for the purpose of providing the necessary matching funds as grant opportunities arise; and funds were appropriated to the General Fund, Account No. 001-250-9310-9535, Transfer to Grant Fund, and funds are available to be transferred to the Grant Fund.

It was further advised that currently, RFD has been authorized to write and submit more than \$4.4 million of grant opportunities; to date, proceeds have been awarded in the total amount of \$789,207.00; matching funds are anticipated to be needed for two grant opportunities currently in the process of being written; and in anticipation thereof, Council is requested to appropriate CMERP funds into an appropriate account for the purpose of making the matching funds available for use after June 30, 2003.

The City Manager recommended that Council authorize the Director of Finance to establish a Transfer from General Fund revenue estimate, in the amount of \$100,000.00, and appropriate funding in the same amount to an account to be established in the Grant Fund entitled, "Local Match Funding for Grants", which account may be used as grants are awarded to provide local match to specific grants.

**Mr. Dowe offered the following budget ordinance:**

**(#36379-061603) AN ORDINANCE** to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 398.)

Mr. Dowe moved the adoption of Ordinance No. 36379-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Council Member Cutler requested information on the total contract amount with Randall Funding and Development, Inc., and a summary of grants received by the City of Roanoke to date as a result of the contract.

**POLICE DEPARTMENT-CITY CODE-TRANSPORTATION SAFETY-BICYCLISTS:**  
The City Manager submitted a communication advising that currently, mopeds have greater power than the mopeds of years past and have become popular among teenagers in the City of Roanoke; higher powered mopeds are frequently operated on City streets by juveniles who have not received driver training; improper use of mopeds causes serious traffic problems, as well as unnecessary accidents; the Police Department has investigated moped accidents which would have been preventable with proper operation of the moped; due to lack of a registration system for mopeds, the Police Department continues to experience difficulty investigating reported thefts of mopeds; and mopeds are often used as a method of trafficking drugs.

It was further advised that the Code of Virginia, Sections 15.2-1720 and 46.2-915.2 enable municipalities to implement local regulations governing the operation and registration of mopeds; the City Attorney has drafted an ordinance which provides for regulation of mopeds and electric power assisted bicycles, which will help the Police Department to track the operation and ownership of mopeds, especially those that are operated recklessly, or used in illegal drug trade; and implementation of the ordinance will be July 1, 2003, with an effective date to be delayed for 60 days, to allow for effective registration and education.

It was explained that the proposed ordinance requires receiving monies and processing paperwork associated with a \$5.00 registration fee for the moped; when a registration is changed from one person to another, or from one moped to another, a fee of \$5.00 will be imposed; when a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, a fee of \$1.00 will be imposed;

when any police officer, or other officer charged with the duty of enforcing the ordinance, discovers an unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped for impoundment; impounded mopeds will be released only after showing satisfactory proof of ownership, payment of \$5.00 for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner; and fees will be collected for the purpose of defraying costs and expenses incident to registration of mopeds and complying with provisions of Chapter 20, Motor Vehicles and Traffic.

The City Manager recommended that the Code of the City of Roanoke (1979), as amended, be amended, by adding a new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles to Chapter 20, Motor Vehicles and Traffic; and authorize the City Treasurer and the Police Department to establish procedures for the registration of mopeds.

Mr. Fitzpatrick offered the following ordinance:

(#36380-061603) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, to Chapter 20, Motor Vehicles and Traffic; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 399.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36380-061603. The motion was seconded by Mr. Dowe.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the proposed ordinance. He stated that he has observed young people under the age of 16 riding mopeds, and encouraged enactment of a fine for violation of the ordinance and that parents be held responsible for violations.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of the proposed ordinance, which is long over due and addresses a serious problem in the City of Roanoke. He commended the City on installing bike lanes on Memorial Bridge and spoke in support of expanding bike lanes, specifically on Wasena Bridge which is a main access to Wiley Drive; however, he stated that signs have been erected prohibiting bicycles, although it is not clear whether the signs apply to the bridge itself. Therefore, he inquired if bikes can be walked across Wasena Bridge, or would a bicyclist be subject to a fine for walking their bicycle on the sidewalk.



In a discussion of the matter, the City Manager advised that if a police officer observes a violation of the proposed ordinance, the individual could be issued a summons, regardless of residency location. She stated that the issue could be both over regulated and under regulated, the registration fee is nominal and far less than the City's cost to institute the program, the goal is to ensure the safety of individuals operating mopeds, and to ensure that if there is a problem with a particular moped in a particular neighborhood, the City would be in a position to better identify the individual who owns the moped and address the problem on the neighborhood streets. She suggested that Council adopt the proposed ordinance, as drafted, and if further refinement is needed, based upon the City's experience in actually administering the ordinance, the City administration will propose amendments for consideration by the Council.

Question was raised by Mr. Bestpitch as to whether there has been any discussion on State wide registration requirements in which each locality would require every operator to register and to carry some form of identification that would indicate the operator's age and place of residence.

The City Manager advised that she was not aware of any discussion on the topic; however, Mr. Bestpitch, in his role as Chair of the City's Legislative Committee, could initiate discussion. She stated that mopeds are a relatively new phenomina in terms of the latest type of recreational vehicle, and while the City reviewed ordinances adopted by other jurisdictions, it is not viewed as a State wide issue, although the City could lobby for such and, through various regional meetings and other forms of communication, could encourage other localities in the Roanoke Valley to adopt similar regulations.

There was discussion with regard to enacting a requirement that operators carry identification when operating a moped which would reflect age and residency status; whereupon, the City Attorney advised that he would research the question and advise Council accordingly.

Questions were raised regarding the requirement of proof of ownership when applying for a registration; whereupon, the City Attorney advised that titles are not issued for mopeds by the Division of Motor Vehicles. He stated that in administering the ordinance, the Police Department will be able to determine if there are problems with persons falsely claiming ownership.

Ordinance No. 36380-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch  
and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-HUMAN DEVELOPMENT-YOUTH:** The City Manager submitted a communication advising that the Comprehensive Services Act (CSA) established in 1993, provides residential and non-residential treatment services to troubled and at-risk youth and their families through a collaborative system of State and local agencies, parents and private sector providers; services include mandated foster care, certain special education services, and foster care prevention; and CSA also provides services to certain targeted non-mandated populations.

It was further advised that CSA expenditures are projected at \$8,972,339.00, which exceed the CSA appropriation of \$8,400,000.00 by \$572,339.00 and require an additional local share of \$175,823.00; \$396,516.00 of the additional expense will be reimbursed by the State; and expenditures are over budget due to an increase in the number of children requiring intensive specialized foster care.

The City Manager recommended that Council take the following actions:

Increase the General Fund Revenue estimate by \$396,516.00 to CSA  
Revenue, Account No. 001-110-1234-0692

Transfer funds in the amount of \$175,823.00 for the local share from  
Personnel Lapse, Account No. 001-300-9410-1090.

Appropriate funding in the amount of \$572,339.00 to the following  
accounts:

|                   |                   |
|-------------------|-------------------|
| 001-630-5410-3182 | \$343,403.00      |
| 001-630-5410-3191 | <u>228,936.00</u> |

Mr. Dowe offered the following budget ordinance:

(#36381-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 411.)

Mr. Dowe moved the adoption of Ordinance No. 36381-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**VIRGINIA MUNICIPAL LEAGUE-BUDGET:** The City Manager submitted a communication advising that the City of Roanoke will host the 2003 Virginia Municipal League Annual Conference on October 19 - 21, 2003, and a team of City staff is planning a memorable event for Conference attendees; the Conference was previously held in Roanoke in 1996 and 1998 and, on both occasions, expenses totaled approximately \$50,000.00, with a similar budget to be established for the 2003 event; and the Virginia Municipal League will provide \$15,000.00 in financial support to the City of Roanoke as the host locality.

The City Manager recommended that Council transfer \$35,000.00 from Account No. 001-300-9410-2198 to a new multi-year account to be established in the Civic Facilities Fund by the Director of Finance; establish a revenue estimate of \$15,000.00 for financial support from the Virginia Municipal League and appropriate an additional \$15,000.00 to the same multi-year account, for a total budget of \$50,000.00.

Mr. Dowe offered the following budget ordinance:

(#36382-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 412.)

Mr. Dowe moved the adoption of Ordinance No. 36382-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Council Member Wyatt called attention to Roanoke Star baskets and Virginia baskets that are manufactured by Goodwill Industry employees which would make ideal and symbolic gifts for VML guests and for use on other City occasions, while assisting a certain segment of citizens who reside in the Roanoke Valley.

**BUDGET-GRANTS-TREES:** The City Manager submitted a communication advising that on April 21, 2003, Council adopted the Urban Forestry Plan as an Element of Vision 2001-2020, which is a ten-year plan designed to help the City manage its urban forest for maximum benefit of the City's environment, economy, and quality of life.

It was further advised that the Plan was prepared with financial assistance from the Virginia Department of Forestry; in March 2003, the City applied for additional funding from the Department of Forestry to fund the first year of Plan implementation; on April 18, 2003, the City was notified by the Virginia Department of Forestry that a \$15,000.00 grant will be awarded to the City, upon completion of a Memorandum of Agreement; and the grant will allow for continuation of the temporary Urban Forestry Planner position on a part-time basis until May 15, 2004, who will continue to work with the City's Urban Forester in the Department of Parks and Recreation.

It was explained that the \$15,000.00 Urban and Community Forestry Grant is a Federal grant, sponsored by the National Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the local match; the majority of the City's matching funds will be 680 hours of staff time (\$15,075.00) provided by the Urban Forester; for the remainder of the match, the City will provide \$2,804.00 in temporary wages for 180 hours of work by the temporary Urban Forestry Planner, in addition to \$2,200.00 for printing of the Plan; and project activities to be undertaken include: (a) Community

Outreach - public/private partnerships and community involvement; (b) Ordinance Revisions and Administration - revision of the public tree ordinance and applicable sections of the Zoning Ordinance; and (c) Tree Planting and Protection - tree planting, forest preservation, interdepartmental cooperation, and work with other government agencies and major property owners.

The City Manager recommended that Council accept the Urban and Community Forestry Grant, in the amount of \$15,000.00, and authorize the City Manager and the City Clerk to execute and attest, respectively, an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, to be approved as to form by the City Attorney; and appropriate \$15,000.00 in Federal funding and establish a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund.

Mr. Cutler offered the following budget ordinance:

(#36383-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 414.)

Mr. Cutler moved the adoption of Ordinance No. 36383-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36384-061603) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 67, page 415.)

Mr. Dowe moved the adoption of Resolution No. 36384-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-PARKS AND RECREATION-GRANTS-YOUTH:** The City Manager submitted a communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through the Parks and Recreation Youth Services Division supervised Summer Nutrition Program; breakfast and lunch is provided to children throughout the City from mid-June through early August, with more than 2,600 children/youth having received lunch and/or breakfast on a daily basis at 19 sites during the summer of 2002; in 2003, four sites were added with two other sites pending, and snacks will be offered during two special after-summer-school programs that will operate until 5:30 p. m.

It was further advised that local funds, in the amount of \$20,000.00, are available in the fiscal year 2003 Parks and Recreation Youth Services Division's budget, Account No. 001-620-8170-2034; additional local funds, in the amount of \$20,000.00, have been appropriated in the fiscal year 2004 General Fund in the Parks and Recreation Youth Services Division budget, Account No. 001-620-8170-2034; and local funds will be used to provide staffing and program materials.

It was explained that funds for the program are provided through the United States Department of Agriculture Food and Nutrition Service; the program is similar in concept to the National School Lunch Program, with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose of the program is to provide nutritionally balanced, healthy meals to children ages 1 - 18 and those with special needs; adult, summer staff will manage the program, with youth hired to assist at food service sites; and the City is reimbursed on a per meal basis.

The City Manager recommended that Council accept the Summer Food Program grant, in the projected amount of \$143,315.00, and authorize the City Manager and the City Clerk to execute and attest respectively an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, to be approved as to form by the City

Attorney; appropriate \$143,315.00 in Federal funding and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer funding in the amount of \$20,000.00 from fiscal year 2003, Account No. 001-620-8170-2034, and \$20,000.00 from fiscal year 2004, Account No. 001-620-8170-2034, in the Parks and Recreation Youth Services Division to the above established accounts.

Mr. Dowe offered the following budget ordinance:

(#36385-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 416.)

Mr. Dowe moved the adoption of Ordinance No. 36385-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following budget ordinance:

(#36386-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 418.)

Mr. Dowe moved the adoption of Ordinance No. 36386-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**Mr. Bestpitch offered the following resolution:**

**(#36387-061603) A RESOLUTION authorizing acceptance of a grant from the United States Department of Agriculture Food and Nutrition Service on behalf of the City to provide nutritionally balanced, healthy meals for children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.**

**(For full text of Resolution, see Resolution Book No. 67, page 419.)**

**Mr. Bestpitch moved the adoption of Resolution No. 36387-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**BUDGET-CITY EMPLOYEES-PERSONNEL LAPSE FUNDS: The City Manager submitted a communication advising that the fiscal year 2002-2003 General Fund budget includes funds in the nondepartmental expenditure category for several personnel related accounts, which are budgeted at estimated amounts in the nondepartmental cost center since annual charges of each department are difficult to accurately predict; and actual costs are charged to departments in anticipation of year-end budget transfers to cover the costs.**

**It was further advised that salary lapse is one of the items included in the nondepartmental category, which is the difference in budgeted City employee salaries and actual salaries; the lapse is created through normal employee attrition and managed hiring efforts undertaken during the year by City staff; and at year-end, salary lapse created in departments is credited against the budgeted total salary lapse, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs.**



It was noted that operational allocations using excess lapse include \$175,823.00 in additional local share funding for the Comprehensive Services Act program, which is recommended to Council in a separate report, \$135,000.00 for snow removal activities and \$318,620.00 for additional billings to General Fund departments for services provided by Internal Service Fund departments, such as Fleet Management and Risk Management; and other operational uses of personnel lapse are individually below \$50,000.00.

It was stated that Workers' Compensation is also initially budgeted in the nondepartmental category; funding has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers' compensation wages and medical expenses; like other personnel related budgets, workers' compensation budgets are established, non-departmentally, due to the difficulty of predicting which departments will incur these expenses and to what extent; and a proposed budget ordinance will allocate the amount in the nondepartmental cost center to those departments that have incurred actual costs.

It was further stated that the fiscal year 2002-2003 General Fund budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as an anticipated increase in health and dental insurance, which budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers' compensation.

The City Manager recommended that Council authorize transfer of funds between accounts and the use of excess budgeted personal services.

Mr. Dowe offered the following budget ordinance:

(#36388-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 420.)

Mr. Dowe moved the adoption of Ordinance No. 36388-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**BRIDGES: The City Manager submitted a communication advising that the 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program; bridge inspection reports are required on 62 structures in the City of Roanoke this year; and 28 structures are inspected annually, 34 structures are inspected bi-annually, and one tunnel also needs to be inspected.**

**It was further advised that Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three year Bridge Inspection Program, with years two and three to be negotiated based on the number of structures to be inspected in each of those subsequent years; Hayes, Seay, Mattern & Mattern, Inc., has agreed to inspect 31 bridges and one tunnel, at a cost of \$57,000.00 for year two; Mattern & Craig, Inc., has agreed to inspect 31 bridges, at a cost of \$55,900.00 for year two; and funding in the amount of \$112,900.00 is available for the second year amendment in Account No. 001-530-4310-3072 in the fiscal year 2003-04 budget.**

**The City Manager recommended that she be authorized to execute separate Amendments No. 1 for consulting services with Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Mattern, Inc., in the amounts of \$57,000.00 and \$55,900.00, respectively, for the second year (2003) for bridge and tunnel inspection services, which contracts may be extended for one additional one-year term upon mutual agreement of the parties, at a fee agreed to by the parties based on the number of structures to be inspected.**

**Mr. Dowe offered the following resolution:**

**(#36389-061603) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 31 bridges and one tunnel (underpass).**

**(For full text of Resolution, see Resolution Book No. 67, page 424.)**

Mr. Dowe moved the adoption of Resolution No. 36389-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Fitzpatrick offered the following resolution:

(#36390-061603) A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1 to the City's contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 31 bridges.

(For full text of Resolution, see Resolution Book No. 67, page 424.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36390-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES:** The City Manager submitted a communication advising that recent changes to the City's ordinance regarding sewer extensions permit the use of private pump stations for properties that cannot be served by gravity sewer; the proposed ordinance revision delineates maintenance responsibilities for pump stations and associated force mains on private property and provides a mechanism for future home buyers to be notified of this responsibility; and the following amendment is proposed:

(c) If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-

sewer service line connecting such facility with the public sewer main. It shall be the responsibility of the owner to maintain the pumping facility and related lines on the owner's property. No permit to use such facility shall be issued until such time as there is recorded in the Office of the Clerk of Circuit Court a maintenance agreement between the owner and the City, whereby the owner and the owner's heirs, grantees, successors in interest, and assigns, agree to maintain such facilities.

The City Manager recommended that Council adopt a measure approving the proposed amendment.

Mr. Fitzpatrick offered the following ordinance:

(#36391-061603) AN ORDINANCE amending and reordaining Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, requiring the recordation of maintenance agreements prior to the issuance of permits to use sewer systems utilizing private pumping facilities; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 425.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36391-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**BUDGET-REFUSE COLLECTION-ENVIRONMENTAL POLICY:** The City Manager submitted a communication advising that the City of Roanoke has sponsored five Household Hazardous Waste Collection Days since May 2000, drawing residents from throughout the Roanoke Valley and utilizing Community Projects accounts set aside for compliance with the Consent Order between the Virginia Department of Environmental Quality and the City of Roanoke which was signed in February 2000, and neighboring local governments have made financial contributions to several of

these events; the Office of Environmental and Emergency Management is working to continue the program, and fund the program after fulfilling provisions of the Consent Order (anticipated by Winter 2003) and has requested additional contributions for the next fiscal year from neighboring jurisdictions; and the City of Roanoke's portion is \$31,327.00 and will come from NPDES Account No. 008-530-9736.

It was further advised that the following is a breakdown of the contributions for Hazardous Waste Collection Day which is expected to be held in the Fall of 2003:

|                |                 |
|----------------|-----------------|
| Roanoke County | \$ 7,500.00     |
| City of Salem  | 1,500.00        |
| Town of Vinton | <u>1,000.00</u> |
|                | \$10,000.00     |

The City Manager recommended that Council appropriate \$10,000.00 to be received from other jurisdictions to revenue and expenditure accounts to be established by the Director of Finance in the Capital Projects Fund; and transfer funds totalling \$31,327.00 from NPDES, Account No. 008-530-9736, to the newly established account.

Mr. Cutler offered the following budget ordinance:

(#36392-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 428.)

Mr. Cutler moved the adoption of Ordinance No. 36392-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

**AIRPORT:** The City Manager submitted a communication advising that during the past year, the Roanoke Regional Chamber of Commerce and the Roanoke Regional Airport Alliance have been working to determine the feasibility of bringing a low-fare airline to the Roanoke Regional Airport; and a low-fare carrier would decrease the costs associated with flying from Roanoke Regional Airport, increase the economic competitiveness of the region, and provide more access to key hubs, such as Atlanta and New York.

It was further advised that the Alliance contracted with SH&E International Air Transport Consultancy to conduct an initial profile of domestic low-fare carriers, and AirTran Airways has been recommended as the candidate best suited to provide low-fare service to Roanoke; AirTran provides service using the Boeing 717, a new full-size commercial aircraft that can carry up to 117 passengers and has its main hub of operation in Atlanta; a campaign sponsored by the Alliance is now underway to bring AirTran to Roanoke; the initial phase of the recruitment process is designed to demonstrate local demand for a low-fare domestic air carrier; and local businesses and governments that fly out of Roanoke are being asked to make a good faith pledge of support by committing to utilize AirTran for at least 50 per cent of their estimated business air travel.

It was explained that during the past 12 months, Roanoke's business air travel has amounted to approximately \$25,000.00; a 50 per cent commitment would mean a pledge of \$12,500.00 in air travel to AirTran; Roanoke County has made a similar pledge; and funding for Roanoke's commitment is provided in various departmental operating budgets for training and development.

The City Manager recommended that Council approve a pledge of 50 per cent of Roanoke's business air travel to AirTran, and authorize the City Manager to submit the necessary pledge documents to the Roanoke Regional Airport Alliance.

Mr. Fitzpatrick offered the following resolution:

(#36393-061603) A RESOLUTION expressing the City of Roanoke's intent to pledge 50 per cent of Roanoke's business air travel to AirTran; and authorize the City Manager to complete and submit the necessary pledge documents to the Roanoke Regional Airport Alliance.

(For full text of Resolution, see Resolution Book No. 67, page 429.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36393-061603. The motion was seconded by Ms. Wyatt.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., spoke in support of better air service for the Roanoke Valley; however, he expressed concern with regard to the history of AirTran as it relates to a number of other cities similar to Roanoke where AirTran operated for the term of the contract, did not meet its projected goals and revenues, and moved on. He stated that other air carriers that were left in the market were severely damaged, which could happen in the Roanoke Valley as well. He inquired if the City is familiar with the details and history of AirTran operations in other markets.

The City Manager advised that AirTran has been successful in the Commonwealth of Virginia in expanding air service, however, it should be noted that no other airline that is willing to offer a cheaper service and more frequent service through a travel bank will be excluded; and other cities have been successful in attracting multiple low cost carriers with this approach.

Resolution No. 36393-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY ATTORNEY:

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis, in order to properly incorporate amendments in the Code made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code; the procedure ensures that ordinances codified in Roanoke's Code incorporate the most recent amendments to State law; incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety; and, in addition, the technique ensures that local ordinances are always consistent with State law as is generally required.

It was further advised that the procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General; whereupon, the City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979). He explained that if the ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Mr. Dowe offered the following ordinance:

(#36394-061603) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 430.)

Mr. Dowe moved the adoption of Ordinance No. 36394-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

#### REPORTS OF COMMITTEES:

**BUDGET-GRANTS-SCHOOLS:** A report of the Roanoke City School Board requesting authorization to close-out 52 school grants, with total outlays amounting to \$14,449,240.24, and revenues provided for the grants are as follows:

Federal funds - \$8,927,905.65  
State funds - \$2,563,051.90  
Fees and donations - \$877,708.40  
Local match - \$2,080,574.29



**A report of the Director of Finance recommending that Council concur in the request was also before the body.**

**Ms. Wyatt moved that Council concur in the request of the School Board. The motion was seconded by Mr. Cutler and adopted.**

**BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting appropriation of funds to the following school accounts, was before Council.**

**\$242,500.00 from the fiscal year 2002-03 Capital Maintenance and Equipment Replacement Fund for construction of a bus washing building and equipment at the new Transportation Facility.**

**\$169,550.00 for the Addison Community Learning Center for fiscal year 2003-04 to address critical attendance, academic, and parental involvement needs of the community in a safe, supervised, and nurturing environment. This continuing program is 100 per cent reimbursed by Federal funds.**

**\$460,118.00 for the Blue Ridge Technical Academy for fiscal 2003-04 to provide a business and technical education training program for a diverse population of students. This continuing program is funded with State aid monies, a State ISAEP grant, alternative education matching funds, facility lease matching funds, local matching funds, and Federal grant receipts.**

**A report of the Director of Finance recommending that Council concur in the request of the School Board was also before the body.**

**Mr. Dowe offered the following budget ordinance:**

**(#36395-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 432.)**

**Mr. Dowe moved the adoption of Ordinance No. 36395-061603. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**Mr. Fitzpatrick offered the following budget ordinance:**

**(#36396-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 433.)**

**Mr. Fitzpatrick moved the adoption of Ordinance No. 36396-061603. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: Council at its meeting on Monday, June 2, 2003, having tabled a resolution providing for reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates, Mr. Cutler moved that the resolution be taken from the table. The motion was seconded by Mr. Dowe and adopted.**

**Resolution No. 36397 was again before the Council.**

**Inasmuch as the item was not listed on the printed agenda, Mr. Bestpitch suggested that Council entertain discussion/public comment.**

**Mr. Bestpitch moved that paragraph 5 of the proposed resolution be amended to delete the following "...at least four of whom shall be selected from the current membership of the RNPSC" and insert the following: "In order to establish the RNA this Council shall select seven (7) of the initial appointees, at least five (5) of whom shall be from the current membership of the RNPSC, and the initial seven (7) appointees selected by this Council shall select the remaining six (6) members of the RNA." He explained that there may not be enough active members of the RNPSC for the Council to select five and allow for the RNA to select an additional four members. The amendment to the resolution was seconded by Mr. Cutler and adopted.**

**Carl Cooper, current Chair, Roanoke Neighborhood Partnership Steering Committee, spoke in support of the proposed resolution. He stated that the resolution is worthy of support, since creation of the Roanoke Neighborhood Advocates will continue Roanoke's commitment to its neighborhoods in a tangible manner; the RNA will continue the tradition and legacy of cooperative teamwork established by founders of the steering committee; and the resolution mandates that the RNA will serve as an advocate for neighborhoods, which addresses a major theme that was heard during the two public hearings of the Ad Hoc Study Committee. He stated that the resolution clearly provides that the RNA will work cooperatively with the City, businesses and other organizations and establishes the RNA as a standing committee of the City.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it would appear that some of the most reliable and outspoken neighborhood leaders in the Roanoke Neighborhood Partnership were not aware that the item would be considered by Council at today's meeting, therefore, there appears to be a question of equity in advising all interested persons. She called attention to concerns regarding the method of appointment which provides that Council will appoint a majority of the membership of the RNA.**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed concern that Council will appoint a majority of the membership of the RNA, when the role of the committee is to serve as an advocacy group for neighborhoods and citizens. He expressed further concern that politics could be an issue because an outspoken**

critic on various issues may not be appointed to serve. Therefore, he suggested that a majority of the membership of the RNA be appointed by the committee instead of City Council.

Following further discussion, Resolution No. 36397-061603 was adopted by the following vote:

**AYES:** Council Members Cutler, Bestpitch, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

**NAYS:** None-----0.

(Vice-Mayor Harris was absent.)

**CITY EMPLOYEES:** Council Member Wyatt requested a report on the percentage of turnover in City departments over the past three years, in both management and staff positions.

**BUDGET-CITY EMPLOYEES:** Council Member Wyatt called attention to the City's new overtime policy and certain alleged instances when staff who qualify for overtime pay earn more than supervisors who do not qualify for overtime pay. She requested that inequities, if any, be reviewed by the City Manager.

**POLICE DEPARTMENT-NEWSPAPERS-SCHOOLS:** Council Member Wyatt called attention to recent newspaper articles regarding violence in the schools, which is an emotionally charged issue. She requested that the City Manager ensure that City of Roanoke police officers are treated fairly as the issue is addressed.

**CITY CODE-ZONING-ANIMALS/INSECTS-COMPLAINTS-NUISANCES:** Council Member Bestpitch referred to a situation where a homeowner is maintaining an excessive number of pets in a private residence in the City of Roanoke. He requested that the City Attorney comment on City Code provisions relating to the number of cats and dogs that may be legally kept in a single family residence.

The City Attorney advised that the City of Roanoke is one of only a few localities that has placed numerical limits on the number of dogs and cats per household, and laws currently on the books are satisfactory to address the issue. (See Sec. 6-27, Code of the City of Roanoke (1979), as amended.) He advised that the situation referenced by Mr. Bestpitch is difficult to address for a number of reasons, however, if the case is prepared and presented properly and if the legal system follows the City's regulatory ordinance, the matter should be satisfactorily resolved.

**U.S. CONFERENCE OF MAYORS-ACTS OF ACKNOWLEDGEMENT-WATER RESOURCES:** The Mayor announced that the City of Roanoke is the recipient of the Outstanding Achievement Award in the 2003 City Livability Awards Program – Every Drop Counts Program, sponsored by the United States Conference of Mayors and Waste Management. He stated that the City received the award as a result of the combined efforts of City Council, City staff and citizens of the City of Roanoke.

**ACTS OF ACKNOWLEDGMENT-HOUSING/AUTHORITY:** Council Member Cutler called attention to a reception which was held earlier in the day by the Blue Ridge Housing Development Corp., in celebration of the 100th first time home buyer to use the Single Family Regional Loan Fund administered by Blue Ridge Housing Development Corp. and Wachovia.

**ACTS OF ACKNOWLEDGMENT-DOWNTOWN ROANOKE, INCORPORATED-CENTER IN THE SQUARE:** Council Member Fitzpatrick called attention to a recent Center in the Square advertising campaign, and advised that the success of downtown Roanoke is due to the efforts of numerous persons/organizations, all working in a concerted effort. He stated that it is hoped that the leadership of Center in the Square will continue to work with the City of Roanoke and others in the further development of downtown Roanoke.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**ANIMALS/INSECTS-COMPLAINTS-NUISANCES:** Ms. Faye Rothrock, 621 Walnut Avenue, S. W., complained about a neighbor who has in excess of 57 cats and dogs in her home in old southwest Roanoke. She called attention to unfavorable living conditions due to odor from feces and urine and noise from barking dogs. She stated that the problem has been ongoing for approximately 12 years, despite attempts by residents of the area to address the situation through the Health Department, various City departments, and the court system. She advised that the Commonwealths' Attorney has instructed residents to engage in civil action; however, they do not wish to do so because the individual suffers from a disorder that causes her to hoard animals.

Ms. Debbie Stevens, 607 Walnut Avenue, S. W., advised that she is surprised, appalled and confused because residents of the area have gone to court with their concerns and nothing has been done to correct the situation. She stated that for ten years she has written letters, gone through the legal system, and talked with City and State officials about the situation, and it is difficult to understand why the laws

are not enforced. She added that she cannot enjoy the privacy of her home because of noise from barking dogs, or open the windows to her home because the odor is unbearable, and her yard is used as a litter box or place for both dogs and cats to shed their feces and urine. She inquired as to the status of a proposal that was developed last year to assist the individual in reducing the number of animals from her home so as not to be in violation of the City's animal control ordinance, which proposal involved the League of Animal Protection and the local SPCA, by removing five animals per week from the home, attending to their physical needs, and placing the animals in new homes.

Ms. Dorie Howard, 627 Walnut Avenue, S. W., played an audio tape of barking dogs from the residence in question, in order to demonstrate the level of noise that residents of the area are subjected to on a daily basis. She stated that residents are frustrated and they do not understand why no action has been taken by the City, and residents are concerned about the method of disposal of dead animals. She requested that the City intercede and provide assistance to correct a situation that is ruining the neighborhood and the quality of life of its residents.

**ACTS OF ACKNOWLEDGMENT-SCHOOLS:** Mr. Chris Craft, 501 East Gate Avenue, N. E., spoke in support of an elected School Board for the City of Roanoke. He requested that the City host an activity in recognition of the service of Delegates A. Victor Thomas and Clifton A. Woodrum, III.

**CITY MANAGER COMMENTS:** NONE.

Council Member Dowe left the meeting.

At 4:35 p.m., the Mayor declared the meeting in recess for one Closed Session.

At 5:25 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, with the exception of Vice-Mayor Harris and Council Member Dowe, Mayor Smith presiding.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

**AYES: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.) (Council Member Dowe left the meeting prior to the Closed Session.)**

**COMMITTEES-LIBRARIES-OATHS OF OFFICE: The Mayor advised that there are three vacancies on the Roanoke Public Library Board, due to expiration of the terms of office of Michael L. Ramsey, Brooke M. Parrott and the ineligibility of Rochelle S. Nolan to serve another term; whereupon, he opened the floor for nominations.**

**Mr. Cutler placed in nomination the name of Wilburn C. Dibling, Jr.**

**Ms. Wyatt placed in nomination the names of Michael L. Ramsey and Brooke M. Parrott.**

**There being no further nominations, Mr. Dibling was appointed and Mr. Ramsey and Ms. Parrott were reappointed, as members of the Roanoke Public Library Board, for terms ending June 30, 2006, by the following vote:**

**FOR MESSRS. DIBLING AND RAMSEY AND MS. PARROTT: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

**COMMITTEES-ROANOKE ARTS COMMISSION-OATHS OF OFFICE: The Mayor advised that the three year terms of office of Charles E. Jordan, George Kegley, Susanna Koerber, Kathleen W. Lunsford and Courtney A. Penn as members of the Roanoke Arts Commission, will expire June 30, 2003; whereupon, he opened the floor for nominations to fill the vacancies.**

**Mr. Cutler placed in nomination the name of William B. Hopkins.**

**Ms. Wyatt placed in nomination the names of Charles E. Jordan, George Kegley, Susanna Koerber, Kathleen W. Lunsford, and Courtney A. Penn.**

There being no further nominations, Mr. Hopkins was appointed, and Messrs. Jordan and Kegley, Ms. Koerber and Ms. Lunsford were reappointed for terms ending June 30, 2006, and Mr. Penn was reappointed for a term ending June 30, 2004, as members of the Roanoke Arts Commission, by the following vote:

FOR MESSRS. HOPKINS, JORDAN, KEGLEY, PENN, MS. KOERBER AND MS. LUNSFORD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-SCHOOLS-OATHS OF OFFICE: The Mayor advised that the four year term of office of Michael F. Urbanski as a member of the Virginia Western Community College, Board of Directors, will expire on June 30, 2003;, whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Michael F. Urbanski.

There being no further nominations, Mr. Urbanski was reappointed as a member of the Virginia Western Community College, Board of Directors, for a term ending June 30, 2007, by the following vote:

FOR MR. URBANSKI: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

COMMITTEES-PERSONNEL DEPARTMENT-OATHS OF OFFICE: The Mayor advised that the three year term of office of Virginia B. Stuart as a member of the Personnel and Employment Practices Commission will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Virginia B. Stuart.

There being no further nominations, Ms. Stuart was reappointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006, by the following vote:

FOR MS. STUART: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)



**POLICE DEPARTMENT-COMMITTEES-TOWING CONTRACT-OATHS OF OFFICE:** The Mayor advised that the three year terms of office of Thomas A. Wood and Harold F. Wallick as members of the Towing Advisory Board will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the names of Thomas A. Wood and Harold F. Wallick.

There being no further nominations, Messrs. Wood and Wallick were reappointed as members of the Towing Advisory Board, for terms ending June 30, 2006, by the following vote:

**FOR MESSRS. WOOD AND WALLICK:** Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

Inasmuch as Mr. Wood is not a Roanoke City resident, by consensus of the Council, the City residency requirement was waived.

**COMMITTEES-GREENWAY SYSTEM-OATHS OF OFFICE:** The Mayor advised that the three year term of office of Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Lucy R. Ellett.

There being no further nominations, Ms. Ellett was reappointed as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2006, by the following vote:

**FOR MS. ELLETT:** Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

**COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD-OATHS OF OFFICE:** The Mayor advised that the two year term of office of Clifford R. Weckstein as a member of the Court Community Corrections Program Regional Community Criminal Justice Board will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancy.

**Ms. Wyatt placed in nomination the name of Clifford R. Weckstein.**

**There being no further nominations, Mr. Weckstein was reappointed as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005, by the following vote:**

**FOR MR. WECKSTEIN: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

**COMMITTEES-FLOOD REDUCTION/CONTROL: The Mayor advised that the one year terms of office of Lucian Y. Grove, Bill Tanger, Mack D. Cooper, II, Dennis Tinsley, Edgar Wheeler and Read A. Lunsford as members of the Flood Plain Committee, will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies.**

**Ms. Wyatt placed in nomination the names of Lucian Y. Grove, Bill Tanger, Mack D. Cooper, II, Dennis Tinsley and Read A. Lunsford.**

**There being no further nominations, Messrs. Grove, Tanger, Cooper, Tinsley and Lunsford were reappointed as members of the Flood Plain Committee, for terms ending June 30, 2004, by the following vote:**

**FOR MESSRS. GROVE, TANGER, COOPER, TINSLEY AND LUNSFORD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

**COMMITTEES-WAR MEMORIAL: The Mayor advised that the one year terms of office of Alfred C. Moore, Robert O. Gray, Harold H. Worrell, Sr., and Philip C. Schirmer as members of the War Memorial Committee will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies.**

**Ms. Wyatt placed in nomination the names of Alfred C. Moore, Robert O. Gray, Harold H. Worrell, Sr., and Philip C. Schirmer.**

**There being no further nominations, Messrs. Moore, Gray, Worrell and Schirmer were reappointed as members of the War Memorial Committee, for terms ending June 30, 2004, by the following vote:**

**FOR MESSRS. MOORE, GRAY, WORRELL AND SCHIRMER: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

**PARKS AND RECREATION-COMMITTEES: The Mayor advised that the one year terms of office of Steven Higgs, Richard Clark and Betty Field as members of the Mill Mountain Advisory Committee will expire on June 30, 2003; whereupon, he called for nominations to fill the vacancies**

**Ms. Wyatt placed in nomination the names of Steven Higgs, Richard Clark and Betty Field.**

**There being no further nominations, Messrs. Higgs, Clark and Ms. Field were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2004, by the following vote:**

**FOR MESSRS. HIGGS, CLARK AND MS. FIELD: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

**COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE: The Mayor advised that Resolution No. 36397-061603 adopted by Council on June 16, 2003, provides for appointment of the Roanoke Neighborhood Advocate; whereupon, he opened the floor for nominations.**

**Ms. Wyatt placed in nomination the names of Robin Murphy-Kelso, Bob R. Caudle, Shirley M. Bethel, Carl D. Cooper, Richard J. Nichols and Joseph A. Schupp.**

**(See July 7, 2003 minutes for terms of office.)**

**There being no further nominations, Messrs. Caudle, Cooper, Nichols, Schupp, Ms. Murphy-Kelso and Ms. Bethel were appointed as members of the Roanoke Neighborhood Advocates by the following vote:**

**FOR MESSRS. CAUDLE, COOPER, NICHOLS, SCHUPP, MS. MURPHY-KELSO AND MS. BETHEL: Council Members Cutler, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**(Vice-Mayor Harris and Council Member Dowe were absent.)**

At 5:30 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, June 16, 2003, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

**PRESENT:** Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith-----6.

**ABSENT:** Vice-Mayor C. Nelson Harris-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PUBLIC HEARINGS:**

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of First Church of God that a tract of land located at 5008 Hildebrand Road, N. W., identified as Official Tax No. 2201401, be rezoned from RS-3, Residential Single-family District, to C-1, Office District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003.

A report of the City Planning Commission advising that the subject property is a 1.29-acre parcel of land bounded by Hildebrand Road, Curtis Avenue, Hubert Road and Whitney Avenue, N. W.; a building housing the First Church of God and a single-family detached dwelling used for the church parsonage are located on the subject property; and the rezoning request is a result of the proposal of the Church to expand its facilities on the site.

The City Planning Commission recommended that Council approve the request for rezoning, as amended by the additional proffer of a brick facade, and advised that given the proffered conditions of the petition relative to maintaining the integrity of the adjacent residential neighborhood by specifically addressing site development, landscaping, and permitted use issues, the City Planning Commission is of the opinion that the rezoning is appropriate.

Mr. Dowe offered the following ordinance:

(#36398-061603) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 220, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 438.)

Mr. Dowe moved the adoption of Ordinance No. 36398-061603. The motion was seconded by Mr. Cutler.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36398-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of VHF, LLC, a Virginia limited liability company, that a tract of land located at 1736 Grandin Road, S. W., Official Tax No. 1440705, be rezoned from RM-2,

**Residential Multi-family, Medium Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.**

**Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003.**

**The City Planning Commission submitted a written report advising that the subject property is a corner lot located at the intersection of Grandin Road and Sherwood Avenue, S. W.; the 25,000 square foot parcel contains 100 feet of frontage on Grandin Road and 250 feet on Sherwood Avenue; a 20 foot improved alley (Sweetbrier Lane) runs along the southeastern boundary of the parcel of land; a two-story residential structure, oriented to Grandin Road, is located on the site; and built in 1926 as a single-family residence, the structure has been converted to a four-unit, multi-family dwelling.**

**The City Planning Commission recommended that Council approve the request for rezoning, with conditions as further amended by the additional proffer regarding the front setback of any new construction on the site; and the Planning Commission is of the opinion that proffered permitted uses and conditions that protect the residential scale of the neighborhood are appropriate.**

**Mr. Dowe offered the following ordinance:**

**(#36399-061603) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 144, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 439.)**

**Mr. Dowe moved the adoption of Ordinance No. 36399-061603. The motion was seconded by Mr. Fitzpatrick.**

**Steven W. Lemon, Attorney, appeared before Council in support of the request of his client.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.**

There being no discussion/questions/comments by Council Members, Ordinance No. 36399-061603 was adopted by the following vote:

**AYES:** Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris was absent.) (Council Member Cutler was out of the Council Chamber when the vote was recorded.)

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Patricia C. Clowzer and Tammy Tester to amend Proffered Conditions set forth in Ordinance No. 29201-072588, in connection with a tract of land located on Fugate Road, N. E., identified as Official Tax No. 3101215, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003, and Friday, June 6, 2003.

The City Planning Commission submitted a written report advising that the 11,458 square foot parcel is located in a single family residential neighborhood comprised of a mix of one, one-and-a-half, and two-story homes, all adjoining properties that are single-family uses; a majority of the surrounding area is zoned RM-1, Residential Multifamily, Low Density District; parcels to the south and the west are zoned RM-1; adjacent parcels to the north and east are zoned RM-2, Residential Multifamily, Medium Density District; and the two abutting parcels, Official Tax Nos. 3101206 and 3101209, combined with the subject parcel, comprised the tract of land rezoned from RM-1 to RM-2 in July 1988.

It was further advised that the four-unit structure proposed and proffered in 1988 was not constructed; the petitioners purchased the subject property created by the July 2000 subdivision in February 2003; since proffered conditions are tied to the land itself, any new construction on the subject parcel must satisfy existing proffers from the July 1988 conditional rezoning; and the petitioners propose to construct a single-family detached dwelling on the subject property; therefore, it will be necessary to repeal existing proffers.

The City Planning Commission recommended that Council approve the request, with additional proffers regarding the front porch; and given the surrounding land use pattern and proffered conditions of the petition, the Planning Commission is of the opinion that the request is appropriate.

Mr. Dowe offered the following ordinance:

(#36400-061603) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 310, Sectional 1976 Zone Map, City of Roanoke, in order to repeal and amend certain conditions presently binding upon certain property previously conditionally rezoned from RM-1, Residential Multifamily, Low Density District, to RM-2, Residential Multifamily, Medium Density District, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 441.)

Mr. Dowe moved the adoption of Ordinance No. 36400-061603. The motion was seconded by Mr. Fitzpatrick.

Patricia C. Clowzer, Petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36400-061603 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)



**TAXES-BUSINESS INCUBATOR:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Blue Ridge Small Business Development Center, Inc., d/b/a the New Century Venture Center, for exemption from local real estate taxation of real property located at 1354 Eighth Street, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, June 8, 2003.

The City Manager submitted a communication advising that the Blue Ridge Small Business Development Center, Inc., owns property known as Official Tax Nos. 1130511, 1130512, 1130514, 1130515, 1130516, 1130719, 1130814 and 1130809, located at 1354 Eighth Street, S. W.; the property houses the New Century Venture Center, an incubator for small businesses; and annual taxes due for fiscal year 2003-2004 are \$4,663.34 on an assessed value of \$86,400.00 for the land and \$299,000.00 for the building.

It was further advised that the Blue Ridge Small Business Development Center, Inc., petitioned Council on February 7, 2001, for adoption of a measure in support of the organization obtaining tax-exempt status from the General Assembly for its property located in the City of Roanoke; Council adopted a resolution, but the Center did not secure a sponsor during the 2002 Session of the General Assembly for legislation to have its property declared tax exempt; and as a result of a statewide constitutional referendum, during the last session, the General Assembly enacted legislation requiring approval by the governing body of a city or county for tax-exempt status; therefore, the New Century Venture Center's petition is again before the Council.

It was noted that on May 19, 2003, Council adopted a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution No. 36331-051903, adopting a revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; the Blue Ridge Small Business Development Center, Inc., has provided the necessary information required as a result of adjustments made to the revised local policy prior to the deadline of June 1, 2003; loss of revenue to the City will be \$3,730.68 annually after a 20 per cent service charge is levied by the City in lieu of real estate taxes; service charge will be \$932.66; the Commissioner of the Revenue has determined that the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and IRS recognizes the Blue Ridge Small Business Development Center as a 501(c) - tax-exempt organization.

Following the public hearing, the City Manager recommended that Council authorize the Blue Ridge Small Business Development Center, Inc., to be exempt from local real estate taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia.

Mr. Fitzpatrick offered the following ordinance:

(#36401-061603) AN ORDINANCE exempting from real estate taxation certain property of the Blue Ridge Small Business Development Center, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 443.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36401-061603. The motion was seconded by Mr. Dowe.

Lisa C. Ison, President, The New Century Venture Center, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Delvis O. (Mac) McCadden, 2018 Carroll Avenue, N. W., advised that the New Century Venture Center has provided jobs for many citizens of the Roanoke Valley. He stated that in conjunction with the New Century Venture Center, programs operated by the Roanoke Redevelopment and Housing Authority prepare citizens for the job market, and some of those same citizens have established their own businesses; therefore, in actuality, the City is getting its money back. He added that the citizens of Roanoke benefit from the New Century Venture Center, and tax dollars will be well spent if the request for tax exemption is approved by the City.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36401-061603 was adopted by the following vote:

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**BONDS/BOND ISSUES-BUDGET-ROANOKE CIVIC CENTER:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the proposed adoption of a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City (and in anticipation of the issuance thereof general obligation public improvement bond anticipation notes of the City), in the amount of \$52,300,000.00, for the purpose of providing funds to pay the costs of acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for City purposes, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, June 2, 2003 and Monday, June 9, 2003.

The City Manager and the Director of Finance submitted a joint communication advising that the City's Capital Improvement Program includes a project for Civic Center Improvements – Phase II; the project, currently under design, includes construction of a new exhibit hall, a new kitchen, new locker/training facilities, storage rooms and other renovations to existing buildings and is budgeted at nearly \$15 million; funding for the project will be provided by the issuance of \$14.3 million of Series 2003 general obligation public improvement bonds, as well as CMERP (Capital Maintenance Equipment Replacement Program) funding and retained earnings of the Civic Facilities Fund; Council adopted a resolution of intent on November 19, 2001, authorizing the City to reimburse itself from the proceeds of General Obligation Bonds to be issued for the project; and in order to proceed with planning associated with the fall issuance of bonds related to the project, approval of the bond issuance is needed.

It was further advised that on May 8, 2003, Council was briefed by the Schools' Assistant Superintendent for Operations regarding the project scope and timeframe for the Patrick Henry High School project; the project plan includes replacement of all present buildings, except Gibboney Hall, which will house the library, fine arts, cafeteria, and gym under one roof, and a new athletic field and track; high school

construction is scheduled to begin in June, 2004, with the new buildings to be completed in December, 2005, and fields and grounds construction to be completed in June, 2006.

It was explained that the Patrick Henry High School project has a total budget of \$38 million to be shared by the City and the Schools; the City's share of \$19 million is to be funded by the Series 2005 General Obligation Bonds; a Literary Loan of \$7.5 million and a Virginia Public School Authority Bond of \$11.5 million are planned to fund the School's share; the budget includes architectural and engineering fees of \$2.75 million, construction costs of \$32.25 million and furniture and equipment costs of \$3 million; and on June 10, 2003, the School Board adopted a resolution authorizing issuance of \$38 million to fund public school improvements.

It was stated that from the total budget for the Patrick Henry High School renovation, funding of approximately \$2.2 million will be required between now and June 2004 to cover architectural and engineering expenses related to the project; the City's share of the cost, \$1.1 million, will be provided through issuance of the Series 2005 General Obligation Bonds; and such funding may be appropriated at this time in anticipation of issuance of the bonds to provide for architectural and engineering needs through June, 2004.

The City Manager and the Director of Finance recommended that Council hold a public hearing regarding the issuance of \$52.3 million General Obligation Public Improvement Bonds to fund Phase II Civic Center Improvements and public school capital improvements; that Council, following the public hearing, adopt a resolution to authorize issuance of \$52.3 million in General Obligation Bonds, which resolution will also authorize the Director of Finance and the City Manager to award the winning bid and to affix the interest rates to be borne by the bonds; and the resolution includes language which declares the City's intent to reimburse itself from the issuance of the bond proceeds authorized by the resolution.

The City Manager and the Director of Finance further recommended that Council appropriate \$1.1 million of Series 2005 bond funds to Account No. 031-065-6066-6896-9137 for architectural and engineering fees related to the Patrick Henry High School project.

**Mr. Dowe offered the following budget ordinance:**

**(#36404-061603) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 67, page 463.)**

**Mr. Dowe moved the adoption of Ordinance No. 36404-061603. The motion was seconded by Mr. Cutler.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He also spoke in support of constructing a flood wall around Victory Stadium, similar to the flood wall constructed at the Sewage Treatment Plant, to prevent flooding. He advised that it makes more sense to spend \$8-10 million to renovate Victory Stadium than to spend \$25 million for a new stadium in the wrong location. He stated that Victory Stadium can be a money making venture if it is properly renovated and promoted with more outdoor events between the period of Memorial Day and Labor Day. He expressed concern that Orange Avenue is a poor location for a stadium/amphitheater, and asked that citizens, businesses and City officials work together to save Victory Stadium.**

**There being no further speakers, the Mayor declared the public hearing closed.**

**There being no discussion/questions/comments by Council Members, Ordinance No. 36404-061603 was adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

Mr. Dowe offered the following resolution:

**(#36403-061603) A RESOLUTION authorizing the issuance of fifty-two million three hundred thousand dollars (\$52,300,000.00) principal amount of General Obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of General Obligation Public Improvement Bond anticipation notes in anticipation of the issuance and sale of such bonds; delegating to the City Manager and the Director of Finance certain powers with respect to the sale and determination of the details of such bonds and notes; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.**

**(For full text of Resolution, see Resolution Book No. 67, page 448.)**

**Mr. Dowe moved the adoption of Resolution No. 36403-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Cutler, Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Vice-Mayor Harris was absent.)**

**Council Member Cutler left the meeting.**

**ZONING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a request of the Presbyterian Community Center, Inc., and PCC Land Company, LLC, for exemption from local real estate taxation of certain real and personal property located at 1228 Jamison Avenue, S. E., the matter was before the body.**

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, June 10, 2003.

The City Manager submitted a communication advising that PCC Land Company, LLC, owns property known as Official Tax Nos. 4120520 and 4120524, both of which are located at 1228 Jamison Avenue, S. E., the property houses the Presbyterian Community Center, which is operated by the Presbyterian Community Center, Inc., a religious association conducted not for profit and the sole member of the PCC Land Company, LLC; the Center provides emergency economic assistance of food, utilities, rent, and prescriptions to low-income families, and educational programs for at-risk youth in southeast Roanoke; annual taxes due for fiscal year 2003-2004 are \$3,333.54 on an assessed value of \$90,200.00 for the land and \$185,300.00 for the building; the Center also owns two motor vehicles (both vans), and requests that the equipment be exempt from personal property taxation; and annual taxes due for the two vehicles are \$300.15 on an assessed value of \$8,770.00.

It was further advised that on May 19, 2003, Council adopted a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; the Presbyterian Community Center, Inc., and PCC Land Company, LLC, have provided the necessary information required as a result of the adjustments made to the City's revised local policy prior to the deadline of June 1, 2003; property located at 1228 Jamison Avenue, S. E., is titled in the name of PCC Land Company, LCC; however, the Presbyterian Community Center, Inc., acts as the holding company; since PCC Land Company, LLC, does not exist from an income tax standpoint, and PCC Land Company, LLC, is a single member LLC, in which the Presbyterian Community Center, Inc., is and will always be the only member, tax exemption with respect to the property located at 1228 Jamison Avenue should be granted to both the Presbyterian Community Center, Inc., and PCC Land Company, LLC; and the Presbyterian Community Center, Inc., and PCC Land Company, LLC, do not seek tax exemption for a portion of Official Tax No. 4120520, which is currently leased to other entities.

It was explained that according to the Commissioner of the Revenue, loss of revenue to the City of Roanoke will be \$1,603.04 after a 20 per cent service charge is levied by the City in lieu of real estate taxes; the service charge will be \$400.72; the Presbyterian Community Center, Inc., and PCC Land Company, LLC, will continue to pay taxes in the amount of \$1,329.78 on the portion of Official Tax No.

4120520 which is leased to other entities; the two vans for which personal property tax exemption is being requested are owned by the Center, and are currently designated exempt from taxation; therefore, the City will be foregoing \$300.15 in annual personal property taxes; the Commissioner of Revenue has determined that the organization is currently not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and the IRS recognizes the organization as a 501(c) - tax-exempt organization.

Following the public hearing, the City Manager recommended that Council authorize the Presbyterian Community Center, Inc., and PCC Land Company, LLC, exemption from real estate and personal property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective July 1, 2003, if the organization agrees to pay the subject service charge by that date.

Mr. Bestpitch offered the following ordinance:

(#36402-061603) AN ORDINANCE exempting from real estate and personal property taxation certain property of the Presbyterian Community Center, Inc., and PCC Land Company, L. L. C., located in the City of Roanoke, organizations devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 445.)

Mr. Bestpitch moved the adoption of Ordinance No. 36402-061603. The motion was seconded by Mr. Dowe.

Bruce Stockburger, Attorney, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.



There being no discussion/questions/comments by Council Members, Ordinance No. 36402-061603 was adopted by the following vote:

**AYES:** Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

**NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a request to amend Vision 2001-2020 to include the Hurt Park/Mountain View/West End Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 30, 2003 and Friday, June 6, 2003; and in *The Roanoke Tribune* on Thursday, June 5, 2003.

The City Planning Commission submitted a written report advising that the subject neighborhood plan comprises three neighborhoods west of downtown--Hurt Park, Mountain View and West End; Hurt Park is one of the City's designated conservation districts and has been selected by Council as one of six potential revitalization areas for the allocation of Community Development Block Grant (CDBG) funds; Hurt Park and Mountain View both contain areas that are in the City's H-2, Neighborhood Preservation District; and these three neighborhoods were once primarily residential, but now have industrial and commercial development on their edges.

The City Planning Commission recommended that Council adopt the Hurt Park/Mountain View/West End Neighborhood Plan as a component of Vision 2001-2020, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36405-061603) AN ORDINANCE approving the Hurt Park/Mountain View/West End Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Hurt Park/Mountain View/West End Neighborhood Plan; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 464.)

Mr. Dowe moved the adoption of Ordinance No. 36405-061603. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36405-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

**EASEMENTS-BRIDGES-CITY PROPERTY-HOSPITALS:** Pursuant to action by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to convey 0.017 acre of City-owned property and a revocable license permitting encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately 0.063 acre into the public right-of-way of Hamilton Terrace, S. E., to Carilion Health Systems, in connection with construction and development of a pedestrian bridge, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 6, 2003.

The City Manager submitted a communication advising that CHS, Inc. (Carilion Health Systems), owner of properties along Hamilton Terrace, S. E., propose to construct a pedestrian bridge over the Roanoke River; accessory to the bridge, CHS, Inc., will build a retaining wall and pavilion along Hamilton Terrace, S. E., that will link the new Riverwalk Parking Deck, via the new pedestrian bridge, to the public sidewalk along Hamilton Terrace; construction of the pedestrian bridge is targeted to coincide with completion of the parking deck in September 2003; a plat has been recorded subdividing Official Tax No. 4060101, thereby creating a utility lot which contains approximately .017 acre; and inasmuch as the estimated assessed value of the new lot is low, between \$300.00 and \$500.00, City staff recommends that the utility lot be conveyed to CHS, Inc., at no charge.

It was further advised that the proposed improvements, which include a retaining wall, sidewalk, canopy and supporting structure, also create an encroachment into the public right-of-way of Hamilton Terrace; the revocable encroachment area is of variable width, containing approximately .063 acre (in addition to the utility lot area), which extends into the right-of-way of Hamilton Terrace; and liability insurance and indemnification of the City of Roanoke by the applicant shall be provided, subject to approval by the City's Risk Manager.

The City Manager recommended that Council authorize conveyance of the utility lot identified as New Parcel "C", along with appropriate temporary construction easements; and adopt an ordinance to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court granting a revocable license to CHS, Inc., to allow for encroachment of the retaining wall, sidewalk, canopy and supporting structure into the right-of-way of Hamilton Terrace, S. E.

Mr. Dowe offered the following ordinance:

(#36406-061603) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a .017 acre portion of City-owned property known as the utility lot identified as New Parcel C of Official Tax No. 4060101, located along Hamilton Terrace, S. E., and temporary construction easements to Carilion Health Systems ("CHS"), upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 466.)

Mr. Dowe moved the adoption of Ordinance No. 36406-061603. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Ordinance No. 36406-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Mr. Dowe offered the following ordinance:

(#36407-061603) AN ORDINANCE granting a revocable license to permit the encroachment of a retaining wall, sidewalk and canopy, with all necessary appurtenances thereto, encroaching approximately .063 acre into the public right-of-way of Hamilton Terrace, S. E., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 67, page 467.)

Mr. Dowe moved the adoption of Ordinance No. 36407-061603. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

TEA-21: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to consideration of previously received applications for Federal funds made available through the Transportation Equity Act for the 21st Century (TEA-21) for transportation enhancement projects in fiscal year 2003-04, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, June 8, 2003 and Friday, June 13, 2003.

The City Manager submitted a communication advising that the Transportation Equity Act for the 21st Century (TEA-21) was signed into Federal law in June 1998, which action reauthorized the Federal surface transportation programs for six years, from fiscal year 1998 to fiscal year 2003, replacing the Intermodal Surface Transportation Efficiency Act (ISTEA); even though TEA-21 will expire on September 30, 2003, Congressional reauthorization is anticipated this fall to continue the program in a similar form; and current law provides \$215 billion in spending authority for highways and transit, including \$3 billion for transportation enhancement projects.

It was further advised that TEA-21 requires State Departments of Transportation to set aside ten per cent of their Surface Transportation Program (STP) allocation each year for transportation enhancements, which includes activities such as facilities for pedestrians and bicyclists (such as greenways) and rehabilitation of historic transportation buildings; and the Virginia Department of Transportation (VDOT) held a public meeting regarding the TEA-21 enhancement program in the City of Salem on April 4, 2003, at which time citizens and public officials were given the opportunity to ask questions and to learn more about the program.

It was explained that any group or individual may initiate enhancement projects; however, Council and the Metropolitan Planning Organization must endorse the applications prior to submittal to the Virginia Department of Transportation (VDOT) by the applicant by July 1, 2003; four enhancement project applications have been received, as follows; and Commonwealth Transportation Board approval of the projects is expected to occur after September 2003.

|   |   |              |
|---|---|--------------|
| Dumas Center for Artistic and Cultural Development            | - | \$300,000.00 |
| The O. Winston Link Museum                                    | - | \$172,000.00 |
| Roanoke Passenger Station Renovation & O. Winston Link Museum | - | \$440,000.00 |
| Virginia Depot  | - | \$990,530.00 |

It was explained that Council resolutions endorsing project applications also require, according to VDOT, that the City of Roanoke agree to be liable for a minimum of 20 per cent of the total cost for planning and design, right-of-way and construction of the project, and, if the City subsequently elects to cancel a project, the City agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date of cancellation of the project; and an agreement to be executed by the City of Roanoke and the project applicant will require the applicant to be fully responsible for the matching funds, and if the project is canceled, the agreement will also require the applicant to reimburse the City for all amounts due VDOT.

Following the public hearing, the City Manager recommended that Council endorse project applications by separate resolutions, and agree to pay the respective percentages of the total cost for each project and if the City elects to cancel a project, the City would reimburse VDOT for the total amount of costs associated with any work completed on the projects through the date of cancellation notice.

The City Manager further recommended that she be authorized to execute City/State Agreements for project administration, subject to approval of project applications by VDOT, and that she be authorized to execute a legally binding agreement with project applicants, subject to approval of the application being approved by VDOT, requiring the applicants to be fully responsible for their matching funds, as well as all other obligations undertaken by the City by virtue of the City/State Agreement.

Mr. Bestpitch offered the following resolution:

(#36408-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project for the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development.

(For full text of Resolution, see Resolution Book No. 67, page 470.)

Mr. Bestpitch moved the adoption of Resolution No. 36408-061603. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Allison Blanton, 1701 Arlington Road, S. W., President, Roanoke Valley Preservation Foundation, advised that the Preservation Foundation, along with the Roanoke Redevelopment and Housing

Authority and the National Railroad Historical Society, have collaborated in a partnership and hired Hill Studio to draft a grant application for TEA-21 funding for the Virginia Railway Station. She stated that the passenger station was damaged by fire in January, 2001, following which various organizations negotiated with Norfolk Southern to purchase the station, and after considerable negotiations, Norfolk Southern donated the passenger station to the National Railroad Historical Society. She stated that the facility is a candidate for TEA-21 funding, inasmuch as it meets seven out of the 12 criteria; the facility will tie in with the Mill Mountain Greenway system, and serve as an information and comfort station along the greenway and a research and archive facility for the National Railroad Historical Society, which will help to make Roanoke a research center for railroad history with the cumulative effect of the Transportation Museum, the O. Winston Link collection, and the Norfolk and Western collection at Virginia Tech. She added that the facility will also serve as a gateway to the South Jefferson Redevelopment Area which was cited in design guidelines to be developed around the historic railroad buildings in the area. She advised that the application is supported by several organizations; the facility will be a great asset to the City of Roanoke; no funds are requested at this time, however, the Virginia Department of Transportation will be requested to fund approximately \$990,000.00 of the \$1.2 million budget; and the match by the Roanoke Valley Preservation Foundation will come in the form of land donation, as well as volunteer hours and contribution of the railroad collection.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion/questions/comments by Council Members, Resolution No. 36408-061603 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

**Mr. Dowe offered the following resolution:**

**(#36409-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to support the design and construction of the O. Winston Link Museum's open storage component, the refurbishment of authentic station benches, and the restoration and installation of N&W Passenger Station signs.**

**(For full text of Resolution, see Resolution Book No. 67, page 472.)**

**Mr. Dowe moved the adoption of Resolution No. 36409-061603. The motion was seconded by Mr. Fitzpatrick.**

**Mr. Dowe advised that he serves without remuneration on the Board of Directors of Center in the Square and inquired if he should abstain from voting on the resolution.**

**The City Attorney responded that Mr. Dowe does not have a conflict of interest; therefore, he could cast his vote on the resolution.**

**Resolution No. 36409-061603 was adopted by the following vote:**

**AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.**

**NAYS: None-----0.**

**(Vice-Mayor Harris and Council Member Cutler were absent.)**

**Mr. Bestpitch offered the following resolution:**

**(#36410-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to reduce the debt service incurred to complete the renovation of the Roanoke Passenger Station.**

**(For full text of Resolution, see Resolution Book No. 67, page 474.)**



Mr. Bestpitch moved the adoption of Resolution No. 36410-061603. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent.)

Ms. Wyatt offered the following resolution:

(#36411-061603) A RESOLUTION requesting that the Commonwealth Transportation Board establish an enhancement project to develop construction plans for restoration of the Virginian Railway Passenger Station and the adjacent property.

(For full text of Resolution, see Resolution Book No. 67, page 476.)

Ms. Wyatt moved the adoption of Resolution No. 36411-061603. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Dowe, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Cutler were absent, and Council Member Fitzpatrick abstained from voting.)

#### OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: The Architectural Review Board (ARB) having denied a request for a Certificate of Appropriateness filed by Roland H. Macher, President, Macher Properties, with regard to property located at 518 Mountain Avenue, S. W., Mr. Macher filed an appeal of the decision of the ARB dated May 12, 2003.

**Mr. Macher appeared before Council and advised that the lights in question were on the house prior to his purchasing the property; and he proposed to construct a wrap around porch in an effort to bring some integrity back to the neighborhood. He stated that there are times when it is difficult to work with the Architectural Review Board which is composed of seven different people from seven different backgrounds, therefore, it is sometimes difficult for the Board to reach a decision, thus, deterring homeowners from appearing before the Board. He explained that he was instructed to remove the dusk to dawn lights, although dusk to dawn lights are currently used throughout the old southwest neighborhood, the lights were removed and he sought guidance from Architectural Review Board staff as to what type of light should be installed, but no examples were proposed; and he was later instructed to install a double head spotlight and go through the Architectural Review Board process once again. He stated that he installed two double head spotlights, with motion detectors, for security purposes, and the ARB denied his request. He advised that there should be more consistency in ARB guidelines for old southwest and more guidance by the Board and City staff on acceptable standards. He asked that Council over rule the decision of the Architectural Review Board, and approve the two double head spot lights, with motion detectors.**

**As background, the following information was provided by the Architectural Review Board:**

**Mr. Macher applied for a Certificate of Appropriateness on July 28, 2002, for exterior improvements to his property at 518 Mountain Avenue, S. W.; the two story frame dwelling had sustained fire damage and he proposed to construct a front porch and replace the windows and doors.**

**On August 8, 2002, the Architectural Review Board (ARB) considered the request; ARB members expressed concern that the proposal lacked sufficient detail and needed more work; Mr. Macher agreed to have the matter tabled until the September 12, 2002 meeting of the Board; members also expressed concern with regard to dusk-to-dawn lights on the front of the house; and Mr. Macher agreed to remove the lights as part of his application.**

**On September 12, 2002, the ARB approved an amended application to construct the front porch; and prior to the meeting, Mr. Macher removed the dusk-to-dawn lights.**

**When the work on the front porch was completed, Mr. Macher reinstalled the two dusk-to-dawn lights; the agent to the ARB advised Mr. Macher that the lights were installed without a Certificate of Appropriateness, the lights would need to be removed and recommendations were provided for light fixture designs that would be more appropriate.**

**On March 27, 2003, Mr. Macher submitted an application for a Certificate of Appropriateness for the two new motion detector floodlights that he had installed as replacements for the two dusk-to-dawn lights; the matter was scheduled for the April 10, 2003 meeting of the ARB; Mr. Macher was not present for the ARB meeting; the ARB considered the application and a motion to approve the request failed because the floodlights are not consistent with the H-2 Architectural Design Guidelines; and Mr. Macher was notified of the denial and of his right to appeal to Council.**

**Mr. Macher filed an appeal of the Architectural Review Board's decision on May 12, 2003, and because the end of the 30 day appeal period fell on a Saturday, the appeal was accepted 32 days after the decision of the ARB.**

**The Architectural Review Board advised that Architectural Design Guidelines adopted by the ARB and endorsed by Council state that historic light fixtures are an important part of a building's architectural character and that excessive light intensity and glare detract from the residential character of the H-2 district; and guidelines recommend the following considerations when installing new lighting:**

**"Choose a compatible light fixture from a commercial manufacturer if a suitable replacement cannot be found; unless a design is specifically appropriate for your building, choose a light fixture that is simple and unobtrusive.**

**Limit the exterior lighting of residential buildings to that necessary for convenience and safety; in most instances, traditional porch lighting is adequate.**

**Install security lighting at the perimeter of the house or garage only when necessary; limit motion-sensitive and dusk-to-dawn security lighting to areas not visible from the street frontage; use only low-voltage lights close to the house to avoid harsh shadows.”**

**The Architectural Review Board recommended that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the abovereferenced property.**

**There was discussion as to the type of light that would be satisfactory; whereupon, the Director of Planning and Code Enforcement advised that rather than submitting examples of the types of lights to be used, the ARB would prefer to review a proposed plan, and in most instances traditional porch lighting is adequate; the Board must weigh the impact on not only the architecture of the house, but also the need associated with this type of lighting that goes beyond traditional porch lighting that is synonymous with the time period of the architecture of the house; it is important for the Board to look at an attachment to a building in the context of the house itself; and the responsibility is on the property owner to show that what is proposed is consistent as much as possible with the architecture of the building that is being considered.**

**Question was raised as to what would be the appropriate type of lighting for the house in question; whereupon, Robert N. Richert, Chair, Architectural Review Board, advised that low wattage, hanging lights with sconce and glass on the sides would be appropriate in the 1880 to 1920 period of the neighborhood.**

**Mr. Richert explained that neither the Architectural Review Board nor City staff is in a position to provide architectural and/or decorative services to property owners; however, guidance is provided by staff to those persons who are willing to listen and to cooperate with the Board; and problems occur when installations take place after the fact and the ARB is asked months later for approval.**

**There was discussion as to whether or not it would be appropriate for the City to develop a list of lights that property owners could choose from; whereupon, Mr. Townsend advised that from a practical and architectural point of view, the type of light, location, size, and design, should key to the architecture; old southwest has a number of different architectural types and traditional lighting fixtures have been applied differently to those architectural styles, so to dictate that there are only x number of light sources that are allowable in old southwest would be overbearing to a property owner; and the intent is to provide as much latitude as possible so as not to restrict what homeowners may use appropriately within the historic district.**

**Mr. John Shelor, 548 Day Avenue, S. W., spoke in support of the Architectural Review Board and the guidelines for old southwest. He stated that he has worked with the ARB in various capacities on several different occasions, numerous resources are available to residents of old southwest, and architectural advice is provided by the ARB/staff to property owners.**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., advised that the issue is the sensibility of installing one light; crime and drugs exist in Old Southwest; motel-like apartment buildings have been constructed throughout the neighborhood; the neighborhood will never be a 100 per cent historic district; and anything that Mr. Macher would do to the house in question would be an improvement to Mountain Avenue. He stated that the proposed light will not affect the architectural integrity of the block, and urged that Council over rule the decision of the Architectural Review Board.**

**In a discussion of the matter, Mr. Bestpitch spoke in support of strengthening the Architectural Review Board appeals process to provide that an individual has no grounds for appeal to the Council if the person has not met with the Architectural Review Board to discuss suggestions on how to resolve concerns. He asked that the matter be referred to the City Attorney for report and included on the Council's Pending Items List.**

**Based upon the evidence (testimony and documents) presented, Mr. Bestpitch moved that Council affirm the decision of the City of Roanoke Architectural Review Board on April 10, 2003, that no Certificate of Appropriateness be issued for the installation of two dusk-to-dawn lights at 518 Mountain Avenue, S. W., as set forth in the Request for Certification of Appropriateness dated March 27, 2003, on the grounds that the proposed installation is not compatible with the H-2 District and does not enhance those special visual and spatial qualities that the H-2 District was established to protect. The motion was seconded by Mr. Dowe and adopted, Mayor Smith voted no.**

**ARCHITECTURAL REVIEW BOARD: The Architectural Review Board (ARB), having denied a request for a Certificate of Appropriateness filed by Dana A. Walker, General Manager, H & W Properties, LLC, with regard to property located at 702 Marshall Avenue, S. W., Mr. Walker filed a written appeal of the decision of the ARB with the Council dated June 4, 2003.**

**James R. Patterson, Attorney, representing H & W Properties LLC, advised that the statute provides that the installation of siding does not require a Certificate of Appropriateness by the Architectural Review Board. He presented a sample of the Dutch lap siding that is currently on the house, along with an example of the vinyl siding proposed by his client, which has the same architectural design and will look the same when applied. He stated that with the proposed vinyl siding and his client's offer to install the J channel around the doors and windows, the architectural defining features of the building will be maintained. He asked that Council overrule the decision of the Architectural Review Board and allow installation of the proposed vinyl siding.**

**The following background information was provided by the Architectural Review Board (ARB):**

**In April 2003, a citizen reported that vinyl siding was being applied to a house at 702 Marshall Avenue, S. W., and ongoing work on the house was stopped pending review by the ARB.**

**Mr. Walker advised staff that he was unaware that a Certificate of Appropriateness was required for vinyl siding; staff advised that vinyl siding is permitted in the H-2 district, provided that materials of the same design are used, and the architecturally defining features of the building are maintained; existing siding on the house was a combination of four inch and five inch exposure; installation underway at the time the work was stopped was using four inch exposure and no window or door trim; therefore, the project was not using like materials and required ARB approval.**

**Mr. Walker filed an application for a Certificate of Appropriateness; on May 8, 2003, the ARB considered the application and Mr. Walker proposed different size siding materials and improvements to the front porch and stated that the ARB should have a more lenient standard for properties on Day and Marshall Avenues.**

**Because the existing wood siding and window and door details are character-defining features of the building, Board members voted against the application and found that the proposed width of the vinyl siding was incompatible with the existing wood siding and existing window and door details, and material samples were not submitted.**

**Mr. Walker filed an appeal of the ARB's decision on June 5, 2003.**

**The Architectural Review Board advised that Section 36.1-345 of the Zoning Ordinance provides:**

**“(a) In order to encourage the preservation and enhancement of the district and encourage the rehabilitation and new construction in conformance with the existing scale and character of the district, the architectural review board shall review and approve the erection of new buildings or structures, including signs, the demolition, moving, reconstruction, alteration or restoration, of existing structures and buildings, or reduction in their floor area, including the enclosure or removal of a porch; and no such erection, demolition, moving, reconstruction, alteration, restoration, or enlargement or reduction of a structure, or building, shall be undertaken without the issuance of a certificate of appropriateness by the board, unless otherwise specified herein.**

**(c) The installation or replacement of siding...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.”**

**Following an inspection of the property, it was noted that the ARB Agent determined that the materials being used were not of the same design and that the architectural defining features of the building would not be maintained as a result of the project; therefore, the project was not subject to the exemption noted in Section 36.1-345(c) as referenced above and required a Certificate of Appropriateness.**

**It was explained that the H-2 Architectural Design Guidelines, adopted by the ARB and endorsed by Council, recommend that the following be considered when installing vinyl siding:**

**Do not replace sound historic siding with new materials to achieve an “improved” appearance.**

**Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building.**

**Both new and historic siding requires periodic maintenance to give a building proper weather protection.**

**Retain existing siding: Identify and keep the original exterior siding materials as well as any unique siding.**

**The Architectural Review Board recommended that Council affirm the Board's decision to deny issuance of a Certificate of Appropriateness for installation of vinyl siding on the grounds that installation of vinyl siding would not maintain the architectural defining features of the building and is not appropriate.**

**R. Brian Townsend, Director, Department of Planning and Code Enforcement, advised that at the time of the Architectural Review Board meeting, examples of materials regarding the relationship of design of the replacement vinyl with the existing lap board was not available, and on two separate occasions during the discussion, members of the ARB suggested to Mr. Walker that his application be deferred in order to obtain more details related to the nature of the proposed application and the size of the siding proposed to be used. He explained that it was further suggested that the applicant take 30 days to work with ARB staff regarding the details of the application, with the understanding that the following month, the Board would hear the request; however, he advised that the applicant instead asked the Board to approve the two amendments to his application on the spot, and the Board, without the ability to have the level of detail associated with the request, was uncomfortable in approving the application as presented, and denied the application by a 4-2 vote.**

**David Lazarchik, representing Old Southwest, Incorporated, read a statement approved by the Board of Directors, supporting efforts of the Architectural Review Board to retain existing forms, features and materials of historic properties, which are the essence of the historic district. In addition, he stated that Old Southwest endorses standards of the Secretary of the Interior for rehabilitation, based on the premise that retention of historic materials including wood siding, features of homes and craftsmanship, are of primary importance, and use of vinyl or aluminum siding is not recommended. He stated that Old Southwest opposes the use of synthetic siding on existing historic properties, unless no other option is available for the following reasons: (1) replacing or covering wood siding severely diminishes the unique historic aspects of materials and craftsmanship; in most cases application of such materials entails removal or coverage of architectural details and also flattens the three dimensional profile which makes each building unique; (2) changes to character defining features of a building also alter the visual relationships between**



buildings; when such character defining details are covered or removed from a number of buildings in a historic district, the character of the entire district may be seriously damaged, which has already occurred on numerous occasions in old southwest; (3) synthetic siding is used with the implication that it is a maintenance free product; however, it is frequently used as a cosmetic fix over peeling paint, stains, or other signs of deterioration which can progress unnoticed to become major structural problems, and it is not a substitute for proper repairs and ongoing maintenance; and (4) with the advent of new long duration paints, the argument that synthetic siding is an economical alternative to a good paint job is not necessarily valid. In summary, he advised that if Old Southwest is to retain its historic charm, its uniqueness, and its reputation as one of Virginia's outstanding historic districts, the use of synthetic siding is inappropriate; and its use on existing historic structures should not be approved by the Architectural Review Board unless no other option is available; therefore, Council is requested to uphold the decision of the Architectural Review Board and deny the appeal.

Mr. Jim Haynes, 545 Day Avenue, S. W., advised that he has lived in Old Southwest for over ten years and owns other properties in the neighborhood. He stated that he has enjoyed the multi cultural neighborhoods of Old Southwest; Old Southwest is a "front porch" neighborhood where one can meet with friends; and Old Southwest does not have to be an elitist neighborhood, but a well maintained neighborhood where people are making an investment in their homes. He stated that vinyl siding is inappropriate, and those persons installing vinyl siding are not the persons who choose to own properties and to live in the Old Southwest neighborhood. He spoke in support of improvements to those portions of the neighborhood that need to be improved, and the neighborhood should return to single family dwellings.

Mr. John Shelor, 548 Day Avenue, S. W., spoke in support of the Architectural Review Board. He expressed frustration that some absentee landlords, with multiple properties, often use the excuse of lack of information, and do not work with the ARB, while complaining about spending money to maintain the quality of their properties.

Mr. Marwood L. Harris, 517 Washington Avenue, S. W., invited Council Members to tour Old Southwest to see first hand the issues that have been discussed.

Mr. Fitzpatrick moved that the matter be referred back to the Architectural Review Board, pursuant to Section 36.1-642(d), Code of the City of Roanoke (1979), as amended. The motion was seconded by Mr. Bestpitch and adopted.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**COMPLAINTS-CITY GOVERNMENT-HOUSING AUTHORITY-DISABLED PERSONS:** Mr. George Gunther, 3038 Melrose Avenue, N. W., advised that people with disabilities and/or representing certain ethnic origins are not properly represented by the lower courts, magistrates, public defenders and Adult Protective Services in the City of Roanoke, which has resulted in persons being improperly incarcerated and/or fined. He called attention to discrimination in housing by the Roanoke Redevelopment and Housing Authority, specifically at Melrose Towers, where management should be investigated.

**POLICE DEPARTMENT-BUDGET-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES:** Mr. Robert Gravely, 3360 Hersherberger Road, N. W., expressed concern with regard to the overall condition of the City of Roanoke. He referred specifically to the need for better communications with citizens, improvements to the City's aging infrastructure, creation of more jobs leading to home ownership for citizens, sufficient wages for City employees which should not be based on a percentage increase, assistance for the elderly, and a reduction in Roanoke's crime rate.

There being no further business, at 9:25 p.m., the Mayor declared the meeting adjourned.

**A P P R O V E D**

**ATTEST:**

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

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